

American Bar Association
Law Student Division

ASSEMBLY STANDING RULES

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Rule 101 - General Provisions

§ 101.1 - Proceedings Governed

These rules govern proceedings in the Assembly at the Annual Meeting.

§ 101.2 - Bylaws Incorporated

These rules incorporate the Bylaws and the handbook including the meaning of terms defined therein.

Rule 102 - Credentials

§ 102.1- Credentials Committee

(a) For the purposes of this rule:

(1) "Committee" means the Credentials Committee

(2) "Circuit Governor" includes his or her designee. The member whom the circuit governor appointed to the committee shall act as such a designee in the circuit governor's absence, unless the circuit governor otherwise notifies the member.

(b) The committee shall consist of one member from each circuit appointed by the circuit governor. This appointee shall not be a candidate running for the position of National Officer or Division Delegate at the Annual Meeting.

§ 102.2 - Delegate Defined

(a) "Principal delegate" means the president of the student bar association or the school representative whether or not he or she attends the Annual Meeting.

(b) "Delegate" means a principal delegate, or his or her proxy, whose credentials are in order.

§ 102.3 - Certification

(a) The certification of credentials confers the exclusive right to vote.

(b) The committee shall certify the credentials of any member who claims to be a delegate if it appears that the claimant is a member and is:

(1) a principal delegate recognized by his or her circuit governor or another member of the Board of Governors from that circuit;

(2) a principal delegate recognized by a national officer, national officer-elect, or division delegate who personally knows the claimant and vouches on the basis of direct personal knowledge for his or her claim;

(3) a principal delegate or the proxy of a principal delegate as evidenced by a letter from his or her dean on school letterhead, a letter or other record from the student bar association on its letterhead or, in the case of a school representative, a letter or other record from his or her school's chapter on its letterhead; or

(4) the proxy of a principal delegate who has filed written notification of his or her appointment with his or her circuit governor prior to the meeting.

(c) If none of the above appears, the committee shall inquire on the basis of all available information whether the claim is true and shall accordingly certify or not certify the claimant's credentials. The claimant, any competing claimant, any member from the claimant's school, and the circuit governor may participate in this inquiry; offer relevant information, including oral or written testimony; and affirm, deny or rebut such information.

§ 102.4 - Rules

The committee shall not fail to certify a claimant's credentials because the claimant did not follow a rule that is not part of these rules unless:

- (a) the claimant had actual notice of the rule at least fifteen days before the Annual Meeting;
- (b) the rule is a bylaw or appears in the handbook; or
- (c) the rule was published before the meeting in the magazine or in a mailing sent at least fifteen days before the Annual Meeting to every member who had then registered for the meeting.

§ 102.5 - Appeal

A claimant may appeal his or her failure of certification to the Board of Governors or the Assembly but not to both. Neither body shall act on any matter relating to the certification of a delegate once an appeal has been taken to the other body. Such an appeal shall outrank and suspend all other business.

§ 102.6 - Proxies

(a) A certified delegate or the holder of his or her proxy may, by written notice to his or her circuit governor, give his or her proxy to a member from the same school. A delegate, separately certified for each vote, may cast both votes from his or her school but may not vote on behalf of another school. The circuit governor may certify the credentials of such a delegate.

(b) A principal delegate may, by written notice to his or her circuit governor, limit the exercise or transfer of his or her proxy. The circuit governor shall enjoin or suspend the exercise of any proxy that is otherwise exercised or transferred. This power of limitation, as limited by any prior holder, shall run with the proxy.

Comment. *A principal delegate may "limit the exercise or transfer of his or her proxy" by directing that it be voted a certain way on a certain question, that it be transferred only to a certain member or that it not be transferred to another member. A circuit governor may "enjoin or suspend the exercise of any proxy that is otherwise exercised or transferred" on his or her own motion or at the request of any delegate. Every delegate enjoys a right against his or her vote being diluted by an illegally exercised proxy and every member enjoys a right to an orderly decision-making process according to the published procedure whether or not he or she has a direct interest in the proxy itself. The means by which the governor can "enjoin or suspend the exercise of any proxy that is otherwise exercised or transferred" include merely calling the holder of the proxy to order, see H. Robert, Robert's Rules of Order Newly Revised § 60 at 640-41 (S. Robert ed. 1990), and refusing to certify or revoking the certification of the credentials of the holder of the proxy. The power of limitation "run[s] with the proxy" in the sense that the transferee of a proxy gets the full power that the transferor enjoyed except to the extent that the transferor reserves that power.*

(c) The holder of a proxy shall, upon request, surrender it to any prior holder. Such surrender shall destroy the prior holder status of anyone who held the proxy after the holder to whom the proxy is surrendered except to the extent that such a holder also held the proxy before the holder to whom the proxy is surrendered.

Illustration 1. A is an SBA president. B is A's vice-president. C and D are other SBA officers from the same school who attend the Annual Meeting. A gives A's proxy to B. A is a "prior holder" of A's vote, so B must surrender the proxy to A upon request.

Illustration 2. Same facts as Illustration 1. B gives A's proxy to C. A and B are now both prior holders as to C. A requests that C surrender the proxy to A, which C does. The surrender destroys B's status as a prior holder.

Illustration 3. Same facts as Illustration 1. B (Holder 2) gives A's proxy to C (Holder 3), who gives it to D (Holder 4). A, B, and C are now all prior holders as to D, the present holder. B is busy just off the floor on a committee that is redrafting a controversial resolution which is scheduled to be reconsidered in half an hour. D is attentively following the debate on the floor over another controversial resolution on which a minor amendment is about to be put to a vote. D needs to use the restroom and gives the proxy to B (Holder 5) with the understanding that D will reclaim it as soon as D returns from the restroom so that B can return to the committee. D updates B on the pending resolution and tells B how to vote on the amendment. D's transfer to B is not intended as a surrender so B is now both Holder 2 and Holder 5 and D is now a prior holder as to B (as Holder 5) even though B (as Holder 2) is also a prior holder as to D. D's transfer to B therefore does not destroy C's status as a prior holder: C can now reclaim the proxy from B who must surrender it; B's surrender destroys D's status as a holder "who held the proxy after the holder to whom the proxy is surrendered" but it does not destroy B's status as Holder 2 because B "also held the proxy before the holder to whom the proxy is surrendered."

Rule 103 -The Floor

§ 103.1 - Privilege of the Floor

(a) The following persons shall enjoy the privilege of the floor and, except as this rule prescribes otherwise, may speak or make a motion:

(1) each delegate, provided that no two delegates shall be on the floor at the same time on behalf of the same principal delegate;

(2) each member of the Board of Governors, including each nonvoting member;

(3) each member of a standing or special committee of the Division with respect to any matter within or touching the committee's charge;

(4) each liaison to or from another entity within the Association;

(5) each national officer or division delegate candidate with respect to any matter concerning the election in which he or she is running;

(6) the staff, as authorized by the Director, the Chair, the Assembly, or the Board of Governors without power to make a motion;

(7) the mover of a resolution with respect to the resolution;

(8) the authorized representative of another entity within or of an organization affiliated with the Association for the purpose of communicating or advocating the entity's policy on a resolution without power to make a motion;

(9) any guest participating in a program planned by the Chair for the purpose of the program without power to make or debate a motion;

(10) any other member or employee of the Association, as authorized by the Chair, the Assembly, or the Board of Governors without power to make a motion;

(11) any former Chair; and

(12) and any former member of the Board of Governors who is a member of the Law Student Division or the Young Lawyers Division.

Comment. According to Robert, the expression "privileges of the floor," sometimes used in legislative bodies or conventions, has nothing to do with having the floor but means merely that a person is permitted to enter the hall. It carries no right to speak or any other right of membership except as may be determined by rules or action of the body. H. Robert, *Robert's Rules of Order Newly Revised* § 3 at 29 n. (S. Robert ed. 1990) (emphasis in original).

Comment. *The intent behind § 103.1(a)(12) is to extend the privilege of the floor to any member of the Board of Governors for a reasonable period after his or her service as long as he or she stays in the Association.*

(b) Each person on the floor is subject to these rules in the same manner as a delegate is.

§ 103.2 - Recognition

(a) A delegate or other person with speaking privileges may claim the floor by written notice to the Chair who shall ordinarily recognize speakers in the order in which the floor is so claimed. The Chair may, without regard to this order, entertain a motion from the floor in the belief that a sufficient number may favor the motion.

(b) The Chair may note when recognizing a speaker whom he or she expects to recognize next but such notice shall neither constitute recognition nor create a right to be recognized before debate expires or the chair recognizes another.

Comment. *This rule lets the Chair announce who is "on deck" without formal recognition. It both preserves the right of the Assembly to control its time through motions to limit and extend the limits of debate and prevents the Chair from abusing the power of recognition to extend the limits of debate without a vote.*

Rule 104 - Decorum

§ 104.1 - Attire

The proper attire for a meeting is business attire that is suitable for an appearance in court.

§ 104.2 - Promptness

Each delegate is asked to be present and ready to proceed to business five minutes before the scheduled call to order.

§ 104.3 - Conversation

No delegate shall converse, make loud noise or create any other intrusive sensation that may disturb another delegate. Any delegate who does so shall stop such behavior at the request of any delegate who claims to be disturbed thereby. A delegate who does not stop such behavior may be removed so that business may continue.

§ 104.4 - No Smoking

There shall be no smoking on the floor or in the room.

Rule 105 - Quorum

§ 105.1 - Quorum Defined

A quorum shall consist of one-third, including proxies, of the certified delegates.

§ 105.2 - Quorumlessness

A quorumless meeting may act as if a quorum was present but any such action, other than an action that can legally be taken in the absence of a quorum, shall be ineffective without confirmation when a quorum is present. Each main motion passed in the absence of a quorum shall, upon reappearance of a quorum, be in order without debate in the form and order passed. Such a motion shall take a two-thirds vote or it shall revert to its status when the quorum disappeared and the negative vote shall not be reconsidered. If the Assembly adjourns sine die without voting on such a motion, the motion is referred to the Board of Governors for expedited consideration.

Rule 106 - Order of Business

§ 106.1 - Resolutions Committee

For the purposes of this rule "committee" means the Resolutions Committee. The committee or its designee shall be available on the floor throughout each meeting of the Assembly and the Board of Governors during the Annual Meeting to receive any notice from a delegate under this rule.

§ 106.2 - Orders of the Day

For each timely introduced resolution the committee shall either certify that the resolution is in order or return it to the mover with particular objections within ten (10) working days of the deadline for timely introduced resolutions. The mover shall have fifteen (15) working days from the deadline for timely introduced resolutions to cure all objections at which time the committee shall certify that the resolution is in order. The committee shall, by a report at the beginning of the first Assembly meeting of the Annual Meeting, make each certified timely resolution a general order. A motion to amend this report is in order, but after each such amendment has been disposed of the report (as amended, if amended) shall stand adopted and shall not be reconsidered. A motion to amend something previously adopted is still in order, however, with respect to the report; likewise, a motion is still in order that makes a special order out of a resolution that the report made a general order.

Note: See § 403.2 of Resolution Procedures for Definition of Timely Introduced Resolution.

§ 106.3 - Agenda

The agenda of each meeting shall be special orders, reports from committees on resolutions previously referred, unfinished business, general orders, and, if there is time, new business.

§ 106.4 - Reports and Programs

The Chair may, notwithstanding this agenda, place an informational report or program anywhere in the order of business in which case the report or program shall outrank and suspend all other business.

§ 106.5 - Consent Calendar

The committee, by a report at the first Assembly meeting of the Annual Meeting may place a resolution on the consent calendar if substantial opposition to the resolution is not expected. Any delegate may, by written notice to the committee before the second Assembly meeting, object to such placement in which case the resolution shall be a special order at the second Assembly meeting. Any resolution on the consent calendar to which timely objection is not made shall stand approved and a motion to reconsider such a resolution shall take a two-thirds vote.

§ 106.6 - Late Resolutions

(a) Any movant may introduce a late resolution by written notice to the Resolutions Committee Chair. The committee shall either certify that a request to move the resolution is in order or return it to the mover with particular objections. Upon cure of the particular objects to the satisfaction of the committee, the request for a late resolution shall be in order. Such a request shall not be in order at the last meeting.

(b) The mover of a request to move a late resolution shall summarize the reasons why the resolution submission procedures should be waived and shall justify its lateness on grounds other than lack of notice of the deadline or poor planning. The mover shall not discuss the content of the resolution. A member of the committee who opposes the request, if there is one, may briefly reply. The question upon the request shall be put, without further debate, and shall take a two-thirds vote. If a two-thirds vote is obtained, the resolution shall be in order at the last meeting and the vote granting the request shall serve as previous notice. The committee unanimously, or the Assembly by a two-thirds vote, may make the resolution an order of the day at the last or an earlier meeting.

(c) Any other provision of these rules to the contrary notwithstanding, a late resolution shall not be in order until the mover, at his or her own expense, has distributed a paper copy to each delegate. Such expenses shall not be reimbursed by the ABA/LSD absent extraordinary circumstances. The mover shall not distribute copies of the late resolution by electronic mail (e-mail). The Resolutions Committee chair, upon the request of the mover and in consultation with the Chair, may distribute the late resolution by e-mail with an appropriate annotation that the late resolution has been approved to be in order by the Resolutions Committee.

NOTE: § 106.6 is intended to only apply to members who bring late resolutions during the Assembly meeting. This section does not permit e-mail notice to the Resolutions Committee Chair or sending out e-mail copies of the late resolution to the Assembly members in lieu of the paper copy because it is presumed that the sponsor and the Assembly members are present at the meeting. Thus, the notice and copies of the resolution should be given in person to avoid confusion. However, the Resolutions Committee chair may distribute the resolution by e-mail in addition to the paper copy if that is deemed appropriate by the Resolutions Committee Chair.

§ 106.7 - Previous Notice

Any delegate may, at any meeting, give previous notice of a motion by written notice to the Chair who shall announce each such notice, in the order received, before the meeting is declared adjourned.

Comment. *According to Robert, the term previous notice or notice, as applied to necessary conditions for the adoption of certain motions, has a particular meaning in parliamentary law. A requirement of previous notice means that an announcement that the motion will be introduced, indicating its exact content as described below, must be included in the call of the meeting at which the motion will be brought up or, as a permissible alternative, if no more than a quarterly time interval will have elapsed since the preceding meeting, the announcement must be made at the preceding meeting. If previous notice is given at a meeting it can be given orally unless the rules of the organization require it to be in writing, which is often the case with notice of amendments to Bylaws. Unless the rules require the full text of the motion, resolution, Bylaw amendment, etc. to be submitted in the notice, only the purport need be indicated. Such a statement of purport must be accurate and complete since it will determine what amendments are in order when the motion is considered. The notice becomes invalid if the motion is amended beyond the scope of the notice. H. Robert, Robert's Rules of Order Newly Revised § 10 at 199-20 (S. Robert ed. 1990) (emphasis in original) (cross-references omitted).*

§ 106.8 - New Business

If a meeting disposes of the orders of the day before the prescheduled adjournment, any delegate may move to bring a question again before the Assembly, request to move a certified late resolution, move a late resolution at the last meeting or make any other main motion other than a resolution. Such a motion or request shall be in order in the order in which previous notice was given followed by any motion or request (in the order received) for which previous notice was not given. If it is voted to adjourn or the prescheduled time for adjournment arrives before the mover of such a motion or request is recognized, the Chair, before the meeting is declared adjourned, shall announce each such motion or request of which previous notice was not already given as if the mover had given previous notice of it.

Rule 107 - Debate

§ 107.1 - Debate Generally

"Proponent" means a speaker who favors and "Opponent" means a speaker who opposes the pending motion. Debate shall generally alternate between proponents and opponents. The mover of a motion that the mover of a pending motion favors shall be recognized as a proponent and the mover of any other motion (even if the motion does not apply to the pending motion) as an opponent.

§ 107.2 - Main Motions

Debate shall expire after twenty minutes on any resolution and after ten minutes on any other main motion. The expiration of debate shall not interrupt a speaker.

§ 107.3 - Speeches

Each speaker may speak for up to two minutes per speech. The mover of a resolution may speak first and last thereon, for five and one minute respectively, without prejudice to his or her ordinary speaking privileges even if debate has been limited or the previous question has been ordered.

§ 107.4 - Committee Reports

(a) If the Board of Governors or, in the absence of action by the Board, the Resolutions Committee, makes a recommendation as to the disposition of the resolution, the reporting member of the Board shall speak for up to four minutes on the resolution after the mover has spoken. The report shall include the reasons for the recommendation.

(b) The reporting member of any committee that makes a recommendation as to the disposition of the resolution may speak for up to four minutes on the resolution after the Board has reported or, if the Board does not report, after the mover has spoken. If the resolution was previously referred to the committee, the reporting member shall move the action, if any, that the report recommends and debate shall expire on that motion, if debatable, after ten minutes. If the report does not dispose of the resolution or is not adopted, debate shall continue on the resolution from the point where it was referred and shall expire after ten minutes.

§ 107.5 - Secondary Motions

"Secondary motion" means a debatable motion that is in order while another motion is pending. The mover of a secondary motion may speak first thereon after which:

(a) if the mover of the main motion favors the secondary motion and there is no objection, the secondary motion shall stand approved;

(b) if the mover of the main motion favors the secondary motion but there is an objection, the Chair shall recognize the objector, the mover of the main motion and another opponent of the secondary motion after which the question shall be put; or

(c) if the mover of the main motion opposes the secondary motion, the chair shall recognize the mover of the main motion, a proponent of the secondary motion and another opponent of the secondary motion after which the question shall be put.

Rule 108 - Motions

§ 108.1 - Motions Generally

An incidental motion is in order from the floor. The Chair may entertain any other motion from the floor in the belief that a sufficient number may favor the motion. No motion is otherwise in order until the mover files it in writing with the Secretary-Treasurer.

§ 108.2 -Amendment

No amendment to a resolution, other than an amendment made by the mover in moving the resolution or made by unanimous consent, is in order until the mover, an opponent, a proponent, and another opponent, if there are any, have debated the resolution.

§ 108.3 - Limit Debate; Previous Question

Neither a motion to limit debate nor a motion for the previous question shall take effect until an opponent, if there is one, has spoken against any motion to which it applies. The Chair may note when putting the question how many speakers still seek the floor. Neither motion shall prejudice the right of the mover of a resolution to speak last thereon.

§ 108.4 -Extend Limits of Debate

A motion to extend the limits of debate is in order notwithstanding any limit in these rules. Such a motion shall provide that debate be extended for a certain time, not less than four minutes, or for an even number of speakers.

§ 108.5 - Lay on the Table

Any action that the Board of Governors returns under § 6.4 of the Bylaws is laid on the table.

§ 108.6 - Division of the Assembly

Upon hearing a proper call for a division of the Assembly the Chair shall count or cause to be counted how many are voting for and against the question which result the minutes shall record.

§ 108.7 -Point of Information

A point of information may request an objective fact or an expert opinion but may not request anyone, including the Chair or the mover of a resolution, to say how he or she expects or intends a resolution to be interpreted or applied by the present or a future administration.

Comment. *The Assembly cannot control how a resolution is interpreted or applied except by the language that it adopts. The kind of subjective expectation or intent that this rule prohibits, although it may sound authoritative, especially if it comes from the Chair, is therefore mere speculation and totally nonbinding. The purpose of this rule is to keep such speculation from turning into a poor substitute for carefully drafted and clearly worded text. A delegate who wants a resolution to mean something that it does not clearly say cannot rely or mislead others into relying on speculation by the mover or the Chair, and must instead move an amendment that properly clarifies the resolution.*

§ 108.8 - Order of Business

The Chair may, in his or her discretion, entertain from the floor as a question of privilege a motion relating to the order of business.

Comment. *The Chair has historically entertained at the last session several motions to make a general order into a special order. Absent this rule such motions are arguably out of order since the rules already prescribe an order of business. "The agenda of each meeting shall be special orders, reports from committees on resolutions previously referred, unfinished business, general orders, and, if there is time, new business." §106.3. "[A]ny other main motion other than a resolution" belongs under new business. §106.8. This rule approves the historical practice and thus liberalizes the right of the Assembly to control the order of business.*

Rule 109 - Adjournment

A motion to adjourn before the prescheduled time, to recess until then or to recess most of the time until then shall take a two-thirds vote.

Rule 110 - Amendment and Suspension

§ 110.1 - Amendment

The Assembly may amend these rules by resolution. Such a resolution shall take a two-thirds vote or a simple majority after a favorable report from the Board of Governors.

Comment. *No such amendment binds the Assembly at any future Annual Meeting unless it is incorporated into the permanent standing rules drafted under § 5.4(a) of the Bylaws.*

§ 110.2 - Suspension

A motion to suspend these rules or any part of them shall take a two-thirds vote. For the purposes of this rule there is no difference between an ordinary standing rule and a rule of order. The Assembly shall not suspend any other rule, policy, or procedure, except by resolution.

Comment. *This rule prevents confusion over the difference between an "ordinary" standing rule and a "rule of order" and removes doubt about whether a rule other than a standing rule can be suspended. See H. Robert, Robert's Rules of Order Newly Revised § 25 at 263 (S. Robert ed. 1990) ("An ordinary standing rule . . . is a rule that does not relate to parliamentary procedure as such . . . Standing rules . . . can be suspended by a majority vote as they do not involve the protection of a minority of a particular size."). Whether a rule is "ordinary" or a "rule of order" is a matter of characterization subject to dissent and abuse. This rule ignores the difference and characterizes all such rules uniformly. The minor sacrifice in the freedom to suspend an "ordinary" rule by simple majority is more than offset by the consistency that will result from, and the confusion that will be prevented by, such a uniform treatment. This rule also prohibits the suspension of a rule other than a standing rule except by resolution. What this resolution sacrifices in the freedom to suspend such a rule it more than compensates for in protecting the justified expectations that such a rule creates. There is, furthermore, very little sacrifice even in terms of freedom to suspend such a rule. A majority can still adopt a resolution for suspension, but only in suitable form and after previous notice. This resolution therefore maximizes care and forethought in any suspension of a rule without lessening the majority's freedom.*